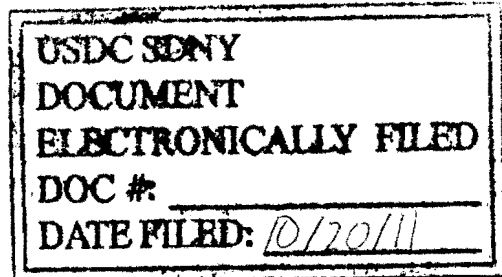


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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Gonde

Plaintiff(s), :

- against - :

Gristede's

Defendant(s). :

SCHEDULING ORDER

1) Civ 00777 Civ (SAS)

----- X

SHIRA A. SCHEINDLIN, U.S.D.J.:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed Scheduling Order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) the date of the conference and the appearances for the parties;

(2) the date by which automatic disclosures will be exchanged;

Nov, 3, 2011

(3) a concise statement of the issues as they then appear;

Reformation Claims

4) a schedule including:

(a) the names of persons to be deposed and a schedule of planned depositions;

JAN + Feb.

(b) a schedule for the production of documents;

Request 11/14 - Response 12/16

(c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;

(d) time when discovery is to be completed;

MAR 16, 2012

defendant
(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

4/30/12
(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

5/11/12
(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

April 17 at 4³⁰ _____ (leave blank)

(5) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

(6) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(7) anticipated fields of expert testimony, if any;

(8) anticipated length of trial and whether to court or jury;

2 day
(9) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(10) names, addresses, phone numbers and signatures of counsel;

SO ORDERED:

[Signature]
SHIRA A. SCHEINDLIN
U.S.D.J.

10/20/11